

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

To: Chief Procurement Officer

'06 FEB 21 A10:30

From: Department of Public Safety / Corrections Program Services Division / Sex Offender Treatment Program

Department/Division/Agency

ADMINISTRATION
 STATE PROCUREMENT OFFICE
 STATE OF HAWAII

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s):

Sex offender assessments on inmates, parolees or sex offenders facing incarceration as a result of adjudication for the island of Oahu.

Provider Name: Daniel F. Reed Dba Daniel Reed, Psy.D.	Total Contract Funds: \$32,083.37	Term of Contract: From: To:
Provider Address: 1600 Kapiolani Blvd, Ste 717 Honolulu, HI 96814	Contract Funds per Year (as applicable). \$32,083.37	Upon CPO Approval June 30, 2006

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

This service was under contract (49789) as a result of RFP no. PSD 02-CPS/SO/420SO2-27). However, due to issues with the requirements of the liability insurance as per Form AG3-HHSGC (4/99), page 2, section 1.4 (specifically, the Provider's insurance be the primary insurance of the State of Hawaii), the contract was not extended. NOTE: While the insurance requirements were addressed in the RFP and in the General Conditions of the contract, the provider's insurance company's compliance to the requirements was not closely monitored in the past.

While services have not been received since the contract's expiration date of 9/18/05, services are required. Approval of this exemption will allow PSD to negotiate the necessary terms and conditions with the listed provider for the required services while a new request for proposals is being developed. NOTE: Once the original contract was signed by both the provider and the State, the terms and conditions of the contract became binding, we could not then renegotiate the "terms and conditions" of the contract after-the-fact.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

The listed provider was originally selected through the RFP process and is familiar with the scope of services required by the department.

Prior to the issuance of the new solicitation, a request for information will be issued for providers' input on the scope of services, provider's qualifications, and the State's general requirements. Responses received may be incorporated into the new solicitation depending upon their merit as determined by the department.

PEH No. 06-38

STATE OF HAWAII
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A description of the state agency's internal controls and approval requirements for the exempted procurement:
The scope of services are developed by the using agency. Purchasing and contracts staff will assist the agency in the negotiation of the terms and drafting of the interim contract. The interim contract will then be reviewed by the deputy attorney general and approved by the department head.

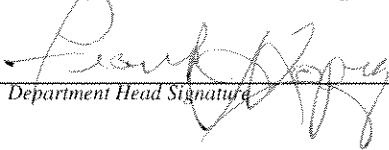
A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Contract administrator: Dr. Barry Coyne, SOTP administrator
Contract preparation: Marc Yamamoto, Procurement and Supply Specialist IV
Contract review: Bryan Yee, Deputy Attorney General
Contract approval: Frank J. Lopez, Interim Director

Direct questions to (name & position): Marc S. Yamamoto <i>may 4/8/06</i>	Phone number: 808-587-1215	e-mail address: marc.s.yamamoto@hawaii.gov
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This exemption should be considered for list of exemptions attached to Chapter 3-141, HAR: Yes ☐ No ☒

I certify that the information provided above is to the best of my knowledge, true and correct.



Department Head Signature

2-8-06

Date

Frank J. Lopez

Typed Name

Interim Director

Position Title


Chief Procurement Officer's Comments:

Note that section 1.4 of contract template general conditions Form AG3-HHSGC (4/99) states that the provider shall obtain a certificate of insurance verifying the existence of the necessary liability insurance that includes coverage of the State of Hawaii. It does not state that the provider insurance be the primary insurance for the state of Hawaii. It states that the provider's insurance shall be the primary insurance for the state of Hawaii for any liability "...arising out of or resulting from occurrences connected with the Provider's performance..." under the contract.

Please ensure adherence to applicable administrative requirements.

☒ Approved

☐ Denied



Chief Procurement Officer

FEB 28 2006

Date

cc: Administrator
State Procurement Office

PEH No. 06-38

ref.: PEH 06-38

Provider Name: Daniel F. Reed
dba Daniel Reed, Psy.D.

In reference to PEH 06-38, the Department of Public Safety inadvertently stated that the geographic coverage of service area was to be on the island of Oahu when in fact the services are to be provided on the island of Hawaii

All other terms and conditions remain unchanged.

State of Hawaii
Notice of Request for Exemption from Chapter 103F, HRS

The chief procurement officer is considering this request for exemption and, if there is good cause, the state intends to exempt the purchase as described in the request. Any inquiries regarding the purchase shall be directed to the contact person noted on page two of the request. Any concerns regarding the exemption shall be in writing and received by the chief procurement officer within seven days of the date the notice was first posted. Concerns shall be mailed to: Aaron Fujioka, Chief Procurement Officer, State Procurement Office, 1151 Punchbowl St., #230A, Honolulu, HI 96813.